

Federal Communications Commission
Office of the Secretary
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Washington, DC 20554

Appeal Reference CC Docket No. 96-45 and CC Docket No. 02-6

Contact Information:

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Appeal for:

Funding Commitment Decision Letter dated February 1, 2006
Billed Entity Number: 74119
FY2005: 07/01/2005-6/30/2006
Form 471: 483397
FRN 1339552

To Whom It May Concern:

FRN 1339552 was denied due to a "Contract Extension Violation"
Explanation: The contract expiration date on Form 471 for the current funding year has changed from what was reported on the previous year's form 471.

Appeal:

The contract expiration date on Form 471 for FY2005 did change from what was reported on the previous year's form 471. However, we are seeking an appeal to clarify the rules that apply to item 10 which was a new item on Form 471 for FY2005. The understanding of the school district was that checking Form 471 Block 5 Item #10 allowed for the extension of an internal connection request (including the contract) due to SLD delays.

Scenario of What happened

Original 470 form 842780000477691 item 13 did not state multi-year contract and /or voluntary extensions because it was thought this would not be required and item 10 on the form 471 had not yet been introduced. We expected the SLD to approve funding within the funding year. The reason we did not request multi-year contract or voluntary extensions is because we did not anticipate the SLD delay. If the SLD had not delayed funding this would

not even be an issue. Everything we requested in our original funding request was eligible and submitted properly. The SLD delays in funding commitments have created this denial. If it had been approved or denied in the funding year 2004, we would not have submitted a continuing FRN on item 10 of Block 5 for FY2005. If it had been denied we would have submitted a new form 470 for this funding request in FY2005. However based on the instructions for Item 10 in block 5 of the new form 471 for FY2005, it states:

Item 10 – If this is a duplicate funding request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided

These instructions do not say this will require a contract extension or new form 470. Our contract SBC12104 is a non-recurring contract for internal connections. It does not have a contract expiration date because the contract is not for a monthly recurring service with beginning and ending dates. Instead, the contract is for the one-time purchase of hardware and a telephone system. No new contract was signed, because we can not enter into a new contract while one is pending for the same products. The Form 471 requires that a Contract Expiration Date be provided, therefore the school district used the last day of the funding year as the expiration date expecting that the Funding Commitment Decision Letter would be received and purchases could be made by that date. The school district did not have the option of writing in “no expiration date” nor could the district supply a date beyond the end of the Funding Year 2005 because the online Form 471 will not allow for either of these entries. The understanding of the school district was that checking Form 471 Block 5 Item #10 allowed for the extension of an internal connection request (including the contract) due to SLD delays. Unfortunately, the school district did not receive a FCDL for Funding Year 2004 until August, 2005. By August, 2005 the item 10 for duplicate FRN had been created on the new form 471 and we were waiting for a FCDL for the duplicate FRN.

Appeal Request:

What are the rules for using item 10 on Block 5 of form 471? Our School is requesting an appeal of its decision based on lack of guidelines. It is not clear that a contract extension is required or that a new form 470 needs to be posted when the status of a FRN is “As Yet Unfunded”. So why even have an item 10 if a new contract and/or contract extension is required?